



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/821,987

04/12/2004

Bu Qin Ruan

T1000-0001-P001

1568

7590

05/03/2006

Bergman Kuta LLP
Michael Bergman
P.O. Box 400167
Cambridge, MA 02144

EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,987	RUAN, BU QIN	
	Examiner	Art Unit	
	Evan H. Langdon	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2/06</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 1-4 are objected to because of the following informalities:

Claim 1, line 5, "within this" should be deleted.

Claim 1, line 9, "moreover" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. In addition, the italics in claim 3 is not in proper format.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3654

Regarding claim 1, the phrase "this is a type" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "this is a type"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In regards to claim 1, lines 3 and 8, the term "cup jointed" is indefinted. It is unclear what kind of joint connection this is?

In regards to claim 1, line 3 and claims 2-4 line 1, the term "special characteristics" renders the claims indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutzki (US 4,542,883).

Rutzki discloses a hand lever for a binding machine that includes a handle (69) and side plate (47), one end of the side plate (47) is connected with the handle (2), and the other end is on the reel (35) of the binding machine, the side plate (47) is composed from connecting piece 1 (47a) and connecting piece 2 (47b), the end section of connecting piece 1 (47a) is connected with the handle (69), the end section of connecting piece 2 (47b) is connected to reel (5) of the binding machine, and the other end sections of connecting piece 1 (47a) and connecting piece 2 (47b) are both connected on a pin roll (55), bevel washers acting as a compression spring (86)

Art Unit: 3654

are installed in the area of the pin roll (55) and the two ends of the bevel washers acting as a compression spring (86) are connected on connecting piece 1 (47a) and connecting piece 2 (47b), and a block edge (92) is installed on connecting piece 1 (47a) or connecting piece 2 (47b) to prevent the bending that results from connecting piece 1 (11) and connecting piece 2 (12) sustaining elastic force from the bevel washers acting as a compression spring (86).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bevel washers of Rutzki to include a compression as well known in the art to provide a stronger resistive force.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutzki in view of Hess (US 6,769,155).

In regards to claim 3-4, Hess et al. teaches a joint connection (Fig. 4) having a spring (5, 6) around the joint 4 and either end of the spring connected to cross bars 12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the joint connection the handle of Rutzki to include a spring around the joint and either end of the spring connected to cross bars as suggested by Hess, to provide a more consistent resistance force.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

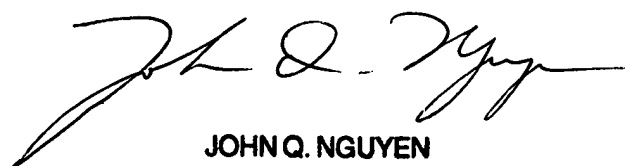
Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl



JOHN Q. NGUYEN
PRIMARY EXAMINER